



**City of Seattle**

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**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING & DEVELOPMENT**

**Project Number:** 3010102

**Applicants:** Brett Lindsay, Jon Graves Architecture and Planning  
Services, for Sustainably Green LLC

**Address:** 151 John Street

**SUMMARY OF PROPOSED ACTION**

Land Use Application to allow a 7 story, 41 unit residential building with parking for twenty one vehicles located below and at grade.\*

The following Master Use Permit components are required:

**Design Review** - Section 23.41, Seattle Municipal Code (SMC)  
*Street-level Development Standards (setbacks) SMC 23.47A.008 A 3*

**SEPA-Threshold Determination** (Chapter 25.05 SMC).

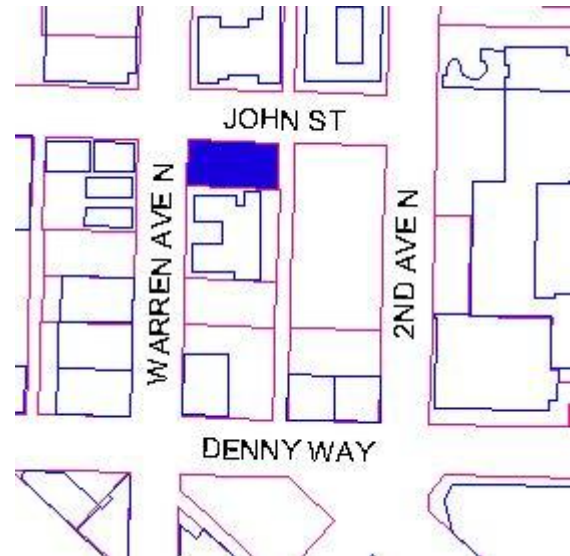
**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or  
involving another agency with jurisdiction.

### **SITE BACKGROUND INFORMATION:**

The proposed development is located at 151 John Street. The proposal is for a 7-story, 40-unit residential apartment building with parking for 23 vehicles at and below grade. The site is bounded on the East by an alley, on the north by John Street and on the west by Warren Avenue N. The site is 7,200 square feet in size. The corner site slopes dramatically between the alley on the east and Warren Avenue; it slopes less steeply from north to south. At present the site is occupied with at-grade public parking generally serving Seattle Center. It is zoned Neighborhood Commercial, with a height limit of 65 feet (NC-3 65). The applicant intends to construct a single-purpose residential building in the commercial zone.



Directly across John Street to the north, on property zoned NC3-65, the block is in institutional use, including a private school. Directly south along Warren Avenue North is an apartment building, the Queen Court Apartments, constructed in 1930. Directly across Warren Avenue N. are the Pittsburgh Apartments, constructed in 1907.

### **PROJECT HISTORY**

In 2005, Intracorp Real Estate, LLC proposed a two site development which included the site east of the alley, addressed as 123 2<sup>nd</sup> Avenue N., as well as this site on John Street. The proposed two-site development went all the way through the Design Review process together and DPD issued a Director's decision that authorized construction on each of the sites. Development on the 123 2<sup>nd</sup> Avenue N. site was undertaken and completed, while the subject site and development rights vested through MUP decision 2502477 were sold by the original developer.

MUP 2502477 anticipated a 7-story, 17-unit residential apartment building with below-grade parking for 23 vehicles to be built on the 7200 square-foot western site.

### **ANALYSIS - DESIGN REVIEW**

In view of substantive changes in the external configuration of the structure and in the use of materials, DPD determined that the proposal needed to be returned to the Design Review Board for its approval. Since the site remained substantially unaltered from what it had been in 2005 (a paved parking lot) and the only new development adjacent to or near the site had been the construction of the 123 2<sup>nd</sup> Avenue N. structure (anticipated as the context for the 151 John Street development), DPD also determined that the new proposal would be returned to the Board at the "recommendation" stage of the Design Review process, relying on the guidelines and guidance that the earlier Board had given for development on the site.

**Early Design Guidance, originally given on July 20, 2005 for Project 2502477**

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the siting and design guidance described below and identified by letter and number those siting and design guidelines found in the City of Seattle's ***Design Review: Guidelines for Multifamily & Commercial Buildings*** of highest priority to this project. One Board member suggested that the proponent should consider looking at a single-purpose residential project for the west parcel.

## **DESIGN GUIDELINES**

### **A Site Planning**

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#### *A-1 Responding to Site Characteristics*

*The siting of buildings should respond to specific site conditions and opportunities.*

#### *A-2 Streetscape Compatibility*

*The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.*

#### *A-3 Entrances Visible from the Street*

*Entries should be clearly identifiable and visible from the street.*

#### *A-5 Respect for Adjacent sites*

*Buildings should respect adjacent properties by being located on their site to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings*

The guidelines above were all chosen by the board to be of highest priority. In citing them the Board offered the following observations and guidance:

- The Board members noted that the existing neighborhood buildings had a presence to the street generally characterized by smaller setbacks. While the apartment just south of the Warren Avenue N. site has a deep central inset, nonetheless the two arms of the structure make up close to two-thirds of the façade at streetfront.
- The Board discussed the effort on the presented Scheme B to set back the structure from 2<sup>nd</sup> Avenue, but generally agreed that it was more important to bring the structure as much as possible to the corner of 2<sup>nd</sup> and John, thereby creating a stronger and more appropriate relationship to the entrance to Seattle Center. In line with that discussion, the Board members indicated they were not in favor of any dramatic recessing of the first floor at the corner position. A notching of the corner should be a part of the design only in so far as it made sense in relationship to the actual proposed internal uses for the corner space. The Board indicated they would await that demonstration.
- Due to the overall length of the structure along 2<sup>nd</sup> Avenue, the Board members were in favor of modulation on the upper, residential floors of the structure but generally favored a close alignment of the commercial, street level spaces with the sidewalk along 2<sup>nd</sup> Avenue.
- In addressing the requirements of the site at the corner of John Street and Warren Avenue N., the applicants were advised to pay particular attention to neighborhood character and to note that an essential element of that character was the human scale of the older buildings in the immediate neighborhood.

### **B Height, Bulk and Scale**

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#### *B-1 Height, Bulk and Scale Compatibility*

*Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to nearby, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.*

The Board acknowledged the challenges in creating scale compatibility with surrounding smaller residential buildings. They suggested that this project could well set an example of how new development could develop massing methods, including setbacks and other architectural treatments to suggest compatibility with the existing residential buildings in the neighborhood. This was noted as being of particular importance for the smaller site at the corner of Warren Avenue N. and John Street.

## C Architectural Elements and Materials

### *C-1 Architectural Context*

*New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complements the architectural character and siting pattern of neighboring buildings.*

### *C-2 Architectural Concept and Consistency*

*Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.*

*Buildings should exhibit form and features identifying the functions within the building.*

*In general, the roofline or top of the structure should be clearly distinguished from its façade walls.*

### *C-3 Human Scale*

*The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.*

### *C-4 Exterior Finish Materials*

*Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.*

### *C-5 Structured Parking Entrances*

*The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of the building.*

- In assessing the architectural context, it was, as one Board member expressed it, “hard not to think brick.” In citing C-1 and C-4, however, the Board indicated that they did not wish to be overly prescriptive regarding materials, but urged the architect and applicants to be mindful that this development would be setting a tone for other development in the immediate area which likewise would take advantage of the height and bulk opportunities of the zone. They suggested that the design development might benefit from looking around the wider neighborhood for elements of basic character, if not for specific historic and iconic referents, that might be reflected in the design of the proposed buildings.
- Regarding C-2, Architectural Concept and Consistency, the Board members expressed

some concern that the emphasis on linking the two sites and the design of the two buildings might unfavorably prevent the proposed structure on the corner of Warren Avenue N. and John Street from adequately responding to its specific context with its established older residential character. The Board emphasized that the building at the corner of Warren Avenue North should not be conceptualized as “the same building (as that on 2<sup>nd</sup> Avenue) only in miniature.” The Board suggested that design development should attempt to reflect the discrete difference in character between the two sites and not sacrifice this to demands of a superficial architectural consistency between the two buildings.

#### D Pedestrian Environment

##### *D-1 Provide convenient, attractive and protected pedestrian entries*

*Convenient and attractive access to the building’s entries should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather. Opportunities for creating lively, pedestrian-oriented open space should be considered.*

##### *D-5 Visual Impacts of Parking Structures*

*The visibility of all at-grade parking structures or accessory parking garages should be minimized. The parking portion of a structure should be architecturally compatible with the rest of the structure and streetscape. Open parking spaces and carports should be screened from the street and adjacent properties.*

##### *D-6 Screen dumpsters, utility and service areas.*

*Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from street fronts where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and cannot be located in the pedestrian right-of-way.*

##### *D-7 Personal Safety and Security*

*Project design should consider opportunities for enhancing personal safety and security in the environment under review.*

- The Board indicated that all entries to the buildings needed to be clearly defined. This is particularly true of the main residential entries for each building. If live-work units are to be incorporated into the street level portions of either or both buildings, they should provide clear and layered transition elements such as stoops, foyers, planters or other landscaping.
- The buildings both should minimize the width of their curbcuts and the widths of the driveways that impinge on the pedestrian realms.
- The alley should be a pleasant and safe place to move through. Design of the alley facades of both buildings should be utilized as an opportunity for incorporating architectural consistency of concept (see C2. above). The design might well incorporate elements such as planter boxes or other projections, consistent and effective lighting, etc.
- Recess and screen dumpsters to enhance the desirable pedestrian quality of the pedestrian experience in the alley between the proposed and adjacent structures.

#### E Landscaping

*E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites*

*Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.*

*E-2 Landscaping to enhance the building and/or site*

*Landscaping, including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.*

*E-3 Landscape Design to Address Special Site Conditions*

*The Landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.*

- The existing street trees should be preserved if possible.
- As noted above (under D-1), entries to any individual units at street level should incorporate landscaped layerings (including planter boxes and other elements) to clearly define public and private zones, clearly readable from the sidewalk.

**Departures from Development Standards:**

Certain departures from Land Use Code requirements may be permitted as part of the design review process. Departures may be allowed if an applicant demonstrates that a requested departure would result in a development which better meets the intent of the adopted design guidelines (see SMC 23.41.012).

The applicant indicated that two departures from Land Use Code development standards had been identified and were being requested: 1) (SMC 23.47.008D) upper level residential coverage to exceed 64% of the lot size on both sites (70% is being proposed), and 2) (SMC 23.47.008B) provide commercial space less than 30-feet in depth for the proposed structure on the west site. There was an indication that at least one Board member was not convinced of the need for a departure from the limit of upper floor residential coverage for the larger structure on the east site. Nevertheless, it was indicated that the granting of development standard departures, both those identified and others that might yet be identified by the applicant, would continue to be entertained by the Board provided the final design successfully responded to the design guidelines enumerated above. [*The provisions of SMC 23.47.008 and SMC 23.47.008B, cited for departures, would no longer apply to the current site or proposal.*]

***Since a large portion of the scheduled meeting addressed the larger of the two sites, that running south of John Street along 2<sup>nd</sup> Avenue, the Board requested that a second Early Design Guidance meeting should be held specifically to address the conditions and character site located at the corner of the Warren Avenue N. and John Street and to identify further guidance for the development of that site.***

**Second Early Design Guidance Meeting, September 21, 2005**

The Design Review Board and DPD concurred in the applicant's request for a second Early Design Guidance meeting to address the specific site conditions and context of the smaller lot at 151 John Street. At the July 20<sup>th</sup> meeting members of the Board had concurred that each of the two development sites presented very different contexts for design guidance.

The architect presented on behalf of the applicants before the Board which consisted of the four members who had been present at the earlier EDG meeting of the Board. He indicated that the applicant was now proposing a 17 unit condominium/apartment structure in which several units would take ground-level access directly off John Street. *[At that time a single purpose residential structure required a MUP application for Administrative Conditional Use to allow for single-purpose residential use on site at the time the projects were submitted to DPD.]*

As presented, the portion of the proposed structure directly adjacent the alley on the east would present a solid mass which would be clad in materials which would link it more directly to the related development being proposed between the alley and 2<sup>nd</sup> Avenue N. The rest of the structure would step down toward Warren Avenue N. and would exhibit substantial glass and metal fronts within a brick frame that would stand two-stories in height along the Warren Avenue façade. Portions of the building facing the south and towards the alley would be clad in stucco, wood or composite siding. The building would be stepped back along Warren Avenue N. Access to parking would be from both Warren Avenue and the alley. In presenting the drawings and plans for the proposed structure, the architect indicated that there were no departures from development standards proposed for the smaller site and structure.

### **Public Comment**

One member of the public affixed their names to the sign-in sheet for the meeting. One question was asked about the proposed color of the window glass within the street-facing facades and one member of the public expressed concern and stated that it would be out of place within the existing residential neighborhood context to provide an “EIFS” finish where stucco had been mentioned as an exterior finish material.

### **Board Deliberations**

Having visited the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the additional design guidance described below for the project proposed for the 151 John Street property.

- In general, the proposed massing, pulled away from the existing residential structure on the lot to the south, was a positive gesture and one the Board approved; the Board urged the continuance of this respect for height, bulk and scale transitions (B-1) and respect of nearby sites (A-5).
- The Board did not believe, however, that stepping the massing away from Warren Avenue N. was the right move; in order to create a more responsive relationship to the other residential structures on Warren Avenue N. and in order to strengthen the corner at Warren and John Street, the proposed brick frame and massing needed to rise at least three, and possibly four, stories along the Warren Avenue N. façade before stepping back.
- There was a general consensus among the Board members that the brick frame needed more mass and needed to appear less frame-like.
- In order to ensure the expression of increased mass, the Board indicated the applicant could benefit from exploration of more of a punched-window look, at least along the Warren Avenue N. façade.

- There was extensive discussion about the desirable depths of setbacks along the lower façade at Warren Avenue N. and of the desirable depths of upper setbacks; it was agreed that holding the building back from the sidewalk some 5 ½ to 6 feet and providing a softened landscape there would provide the best accommodation to the residential structure to the south and the pattern established by residential structures on both sides of the street.
- The Board engaged in extensive discussion regarding the undesirability or desirability of the disjunctive appearance of the portion of the building that sat at the edge of the alley; it could not be agreed whether strong distinction in façade materials as shown was an asset to the design; it was seen as of less importance that there be a link in materials between portion of the building and the larger development east of the alley. The Board did agree, harkening back to Guideline C-2 that the final design of the structure needed to exhibit a well-proportioned and unified building form, one that arose from an overall architectural concept. At the moment, the Board observed, the building was too busy to achieve that goal; there were too many things going on; it stood in need some simplification.

### **The Current Proposal under MUP 3010102**

Notice of the new application for project 3010102 was given on July 2, 2009, with a public comment period running through July 15, 2009. Notice of a Design Review recommendation meeting was given on February 8, 2010, and the recommendation meeting held at the Queen Anne Community Center on March 3, 2010.

### **ARCHITECT'S PRESENTATION**

Jon Graves of Jon Graves architects, made the presentation on behalf of the design and development teams. He briefly explained the intended program and the major features of the proposed design, with an emphasis on addressing the guidelines and guidance issues raised by the Design Review Board at the Early Design Guidance meetings conducted for the earlier proposal (July 20<sup>th</sup> and September 21<sup>st</sup>, 2005).

The proposed structure was intended, according to the architect, to integrate itself seamlessly within the existing character of the neighborhood. Building modulation, landscaping, landscape buffering, the locations of entry points and their embellishments were all intended to support street activity consistent with a vibrant residential community. The building's brick facades and cast-concrete embellishments were meant to be a literal complement to the traditional masonry work found in the district. The entries had been designed to be consistent with the character of the brick façade and a literal reflection of the entries into the older, classic apartment buildings that survived in the immediate vicinity.

In keeping with the earlier design, vehicular access was proposed both from the alley and from Warren Avenue N.

### **Departures from Development Standards:**

Certain departures from Land Use Code requirements may be permitted as part of the design review process. Departures may be allowed if an applicant demonstrates that a requested departure would result in a development which better meets the intent of the adopted design



guidelines (see SMC 23.41.012).

The proponent presented a request for three departures from development standards for this project: 1) allowing parapets and planters within 10 feet of the north edge of the proposed structure even though preliminary shadow studies indicate that these features will partially shade the property across John Street to the north (SMC 23.47A.012 D6); 2) allowing access to parking from Warren Avenue N. as well as from the alley, even though the Code would normally require access from the alley only (SMC 23.47A.032 A1); and 3) allowing a portion of the parking within the structure that is partially above grade not to be separated from street-level, street-facing facades by another, intervening use (SMC 23.47A.032 B1b).

### **Public Comment**

No public comments regarding the proposal were received during the comment period that ran from July 2, 2010 to July 15, 2010. One of the founders of the Uptown Alliance, who was unable to attend the Design Review Board Recommendation meeting on March 3, 2010, sent comments to DPD ahead of the meeting. These comments noted the importance of maintaining the human scale of the surround buildings and referred to several of the Uptown Guidelines that had a bearing on considerations regarding the proposal. A copy of this letter was given to each of the Board members. One member of the public signed in as a party of record at the meeting. His comments were generally attuned with those of the Board discussed below and suggested that the design was too much of a replica of another era and the facades too busy and in need of more restraint.

### **BOARD DELIBERATIONS**

The Board complimented the design team on the thoroughness with which the design packet had been prepared and thanked the team for providing ample responses to the design guidelines that previously had been identified as of highest importance for the project. The Board confessed to being at a disadvantage, however, since none of the current members had been seated on the Board at the time the Early Design Guidance for the site had been established. The greatest difficulty, as expressed by the Chair, lay in the fact that the proposal appeared so “finished.” What real input could the Board have without sending the project back up a road that obviously had been traversed with a sense of some finality? The Board functions best at the recommendation stage, it was explained, when the project being presented is somewhere between a *tabula rasa* and a table so thoroughly set that the third piece of stemware and the fourth dessert fork were already placed at each setting. The proposal stood toward the latter portion of the spectrum.

The Board noted that they had no particular trouble with the massing and articulation of the building which had got things just about right. The design team had succeeded in creating a well-proportioned building that had much to recommend it. Further, the proposed structure did exhibit an overall level of careful detailing and massing that succeeded in creating a well-proportioned and unified building and resulted in a form that fit in well with its immediate surroundings.

With that said, the Board addressed a few elements of the design they found troubling. It was suggested by more than one of the Board members that the proposed building was more of an attempt to replicate a period building, at least along the John Street and Warren Avenue N. facades rather than an attempt to re-interpret an apartment building from a classic era with newer structural techniques, materials, etc.

In the final analysis, the Board generally agreed that the two street-facing facades were “too busy,” and the way to address this busy-ness with the fewest moves would be to: 1) eliminate the round-top balustrade windows altogether from the tower element at the northwest corner of building, and 2) “bookend” the round-top balustrade windows on the John Street façade between the tower element and the alley.

In sum, the four Board members present agreed to recommend approval of the overall design and of the requested departures as long as their recommendation was contingent upon the following conditions of approval:

1. The applicants shall work with the DPD planner to demonstrate that the shadows cast on the properties to the north across John Street by the proposed parapet and roof-top planters do not significantly impact the character or comfort of the neighboring site, and make such refinements to the design to mitigate impacts if necessary.
2. Remove the round-top balustrade windows from the third, fourth, fifth and sixth storeys of the tower element on both the Warren Avenue N. and John Street facades.
3. Re-align the round-top balustrade windows on the John Street façade between the tower element and the alley so that windows shall “book-end” that portion of the façade.
4. Work with the DPD planner to refine the design of the ground level covered amenity space between the Warren Avenue N. pedestrian entry and John Street, with particular care given to the selection of lighting, plantings, landscaping, furnishings and other elements so as to create an inviting space where residents of the proposed structure would choose to spend some time.

### **ANALYSIS AND DECISION - DESIGN REVIEW**

The Director of DPD has reviewed the recommendations of the Design Review Board and finds that the proposal is consistent with the *City of Seattle Design Review Guidelines for Multifamily & Commercial Buildings Design Guidelines*. The Director **APPROVES** the subject design consistent with the Board’s recommended conditions which are noted above and at the end of the decision.

This decision is based on the Design Review Board’s final recommendations, on the plans, drawings and other materials presented at the public meeting on March 3, 2010, and the plans on file at DPD. The design, siting, and architectural details of the project are expected to remain substantially as presented at the recommendation meeting except for those alterations made in response to the recommendations of the Board or in response to correction notices and incorporated into the plan sets subsequently submitted to DPD.

## **ANALYSIS - STATE ENVIRONMENTAL POLICY ACT (SEPA)**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant (dated June 10, 2009). The information in the checklist, the supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision. This decision also makes reference to and incorporates the project plans submitted with the project application.

The Seattle SEPA Ordinance provides substantive authority to require mitigation of adverse impacts resulting from a proposed project (SMC 25.05.655 and 25.06.660). Mitigation, when required, must be related to specific environmental impacts identified in an environmental document and may be imposed to the extent that an impact is attributable to the proposal, and only to the extent the mitigation is reasonable and capable of being accomplished. Additionally, mitigation may be required when based on policies, plans and regulations as enunciated in SMC 25.05.665 to SMC 25.05.675 inclusive (SEPA Overview Policy, SEPA Cumulative Impacts Policy, SEPA Specific Environmental Policies). In some instances, local, state or federal regulatory requirements will provide sufficient mitigation of an impact and additional mitigation imposed through SEPA may be limited or unnecessary.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in pertinent part that “where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation.” Under specific circumstances, mitigation may be required even when the Overview Policy is applicable. SMC 25.05.665(D).

## **ENVIRONMENTAL IMPACTS**

The information provided by the applicant and its consultants, the public comments received, and the experience of DPD with the review of similar proposals form the basis for conditioning the project. The potential environmental impacts disclosed by the environmental checklist are discussed below. Where necessary, mitigation is called for under Seattle’s SEPA Ordinance (SMC 25.05).

### **Short - Term Impacts**

Anticipated short-term impacts that could occur during demolition excavation and construction include; increased noise from construction/demolition activities and equipment; decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by construction activities; potential soil erosion and potential disturbance to subsurface soils during grading, excavation, and general site work; increased traffic and demand for parking from construction equipment and personnel; conflicts with normal pedestrian and vehicular movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC 25.05.794).

Many of these impacts are mitigated or partially mitigated by compliance to existing codes and ordinances; specifically these are: Storm-water, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (construction noise). The Department finds, however, that certain construction-related impacts may not be adequately mitigated by existing ordinances. Further discussion is set forth below.

### Earth

It is not anticipated that perched groundwater will be encountered during the minor amount of excavation required for the project; any construction dewatering can be handled with ditching and sumps within the excavation. The Seattle Stormwater Grading and Drainage Control Code requires that water released from the site be clean and limits the amount of suspended particles therein. Specifically, the ordinance provides for Best Management Practices to be in place to prevent any of the water or spoil resulting from excavation or grading to enter the area of the wetland or its buffer. No SEPA policy based conditioning of earth impacts during construction is necessary.

### Traffic and Parking

Traffic during some phases of construction, such as excavation and concrete pouring, may be expected to be great enough to warrant special consideration in order to control impacts on surrounding streets. If that is the case, Seattle Department of Transportation, will require a construction phase truck transportation plan to deal with these impacts. The applicant(s) would be required to submit a Truck Trip Plan to be approved by SDOT prior to issuance of any demolition or building permit. The Truck Trip Plan would delineate the routes of trucks carrying project-related materials.

### Noise-Related Impacts

Both commercial and residential uses in the vicinity of the proposal will experience increased noise impacts during the different phases of construction. Compliance with the Noise Ordinance (SMC 22.08) is required and will limit the use of loud equipment registering 60 dBA or more at the receiving property line or 50 feet to the hours between 7:00 a.m. and 10:00 p.m. on weekdays, and between 9:00 a.m. and 10:00 p.m. on weekends and holidays.

Although compliance with the Noise Ordinance is required, additional measures to mitigate the anticipated noise impacts may be necessary. The SEPA Policies at SMC 25.05.675.B and 25.05.665 allow the Director to require additional mitigating measures to further address adverse noise impacts during construction. Pursuant to these policies, it is Department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance may be necessary. In addition, therefore, as a condition of approval, the proponent will be required to limit the hours of construction activity not conducted entirely within an enclosed structure to non-holiday weekdays between 7:00 a.m. and 7:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m.

### Air Quality Impacts

Demolition and construction activities could result in the following temporary or construction-related adverse impacts:

- Erosion from excavation and storm water impacts from ground clearing,
- Increased noise levels,
- Decreased air quality due to suspended particulates (dust) from excavation and construction, hydrocarbon emissions and greenhouse gas emissions from construction vehicles, equipment, and the manufacture of the construction materials.

Construction will create dust, leading to an increase in the level of suspended air particulates, which could be carried by wind out of the construction area. Compliance with the Street Use Ordinance (SMC 15.22.060) will require the contractors to water the site or use other dust palliative, as necessary, to reduce airborne dust. In addition, compliance with the Puget Sound Clean Air Agency regulations will require activities, which produce airborne materials or other pollutant elements to be contained with temporary enclosure. Other potential sources of dust would be soil blowing from uncovered dump trucks and soil carried out of the construction area by vehicle frames and tires; this soil could be deposited on adjacent streets and become airborne. The Street Use Ordinance also requires the use of tarps to cover the excavation material while in transit, and the clean up of adjacent roadways and sidewalks periodically. Construction traffic and equipment are likely to produce carbon monoxide and other exhaust fumes. Regarding asbestos, Federal Law requires the filing of a Notice of Construction with the Puget Sound Clean Air Agency (“PSCAA”) prior to any demolition on site. If any asbestos is present on the site, PSCAA, the Department of Labor and Industry, and EPA regulations will provide for the safe removal and disposal of asbestos.

Construction activities themselves will generate minimal direct impacts. However the indirect impact of construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project. No potential short term adverse impact to air is anticipated and therefore air quality mitigation is not necessary.

#### Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased carbon dioxide and other greenhouse gas emissions primarily from increased vehicle trips but also the projects energy consumption, increased demand for public services and utilities; increased height, bulk, and scale on the site; and increased area traffic and demand for parking. Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use, parking requirements, shielding of light and glare reduction, and contains other development and use regulations to assure compatible development.

#### Air Quality

The number of vehicular trips associated with the project will increase the quantities of carbon dioxide and other greenhouse gas emissions in the area. Additionally, the project will create a level of electrical energy demand and natural gas consumption that does not currently exist on the site.

Together these changes will result in ambient increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

#### Greenhouse Gas Emissions

Operational activities, primarily vehicular trips associated with the project and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

#### Height, Bulk, and Scale

The proposal does not exceed the height of development allowed in the Neighborhood Commercial 2-40 zone. The height, bulk and scale measures were addressed during the Design Review process. Pursuant to the Height, Bulk and Scale Policy of SMC 25.05.675 a project that is approved pursuant to the design review process shall be presumed to comply with the height, bulk and scale policies. The proposed structure has been endorsed by the Design Review Board as appropriate in height, bulk and scale for the project.

SMC 23.47A.012 D provides that certain rooftop features, including non-firewall parapets, must be located at least 10 feet from the north edge of the roof unless a shadow diagram is provided that demonstrates that locating such features within ten feet of the north edge of the roof would not shade the property to the north on January 21<sup>st</sup> at noon more than would a structure built to maximum permitted height and FAR.

The proposed structure includes a parapet, four-feet in height at the north roof edge, co-extensive with the north-facing façade. The "property to the north" lies across the 66-foot right-of-way of John Street. Shadow diagrams and studies supplied by the applicant indicate that discrete points at the top of the parapet on the proposed north façade could produce at noon on January 1st discrete areas of shade on the property to the north. These discrete areas of shade would exceed what would be projected by a structure built to the maximum height and FAR without the extended parapet. In analyzing the shadow studies, DPD has determined that the areas potentially cast in shadow are insignificant and very transient. Nonetheless, the Design Review Board has recommended a departure from the development standard of SMC 23.47A.012 D6 since there is a modicum of increase in potential shadows due to the parapet which has been determined by the Board to provide a better and more-integrated design if maintained at a uniform height along the entire façade. DPD has concurred in this granting of a departure. Since the impacts have been demonstrated to be insignificant no further conditioning through SEPA authority is warranted.

#### Traffic

The project with the 41 residential dwelling units with potential occupancy of 75 persons would generate 12 new off-site trips during the weekday AM peak hour, 28 new off-site trips during the weekday PM peak hour, and approximately 172 new weekday daily trips.

The proposed project traffic would be expected to cause some delays at intersections in the vicinity. The increases in average delays, however, would fall within the range of day-to-day fluctuations.

Thus the delay time being negligible and nearby intersections continuing to operate at their current levels of service, no further condition is warranted

A concurrency analysis indicates adequate capacity exists to serve the increase in travel demand resulting for the proposed project, and meets the City's concurrency standards.

Specific off-site mitigation measures are not required to reduce/offset the potential site-generated traffic impacts. The site is well-served by public transit King County Metro bus routes serve stops within a two to three block vicinity of the project site.

### Parking

Vehicular access to the proposed building for 3 vehicles would be from the alley east of Warren Avenue N. and for 18 vehicles from a new driveway access off Warren Avenue N. City's zoning regulations for the Downtown Zoning has no requirement for on-site parking. The proposed building includes a total of 21 parking spaces, which would be a tenancy amenity and "marketing" provision.

For apartments in the Central Business District and immediate surroundings a demand rate of 0.85 is commonly accepted, which would result in a parking demand for 35 vehicles. The project site would provide parking for 21 vehicles. Based on the location of existing parking garages and surface parking lots located within walking distance of the project site (800 feet), it is anticipated that the demand could be accommodated by the available off-site parking supply. No further mitigation is necessary.

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of DPD as the lead agency of the completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

### **SEPA CONDITIONS**

Based upon the above analysis, the Director has determined that the following conditions are reasonable and shall be imposed pursuant to SEPA and SMC Chapter 25.05 (Environmental Policies and Procedures).

The owner(s) and/or responsible party(s) shall:

#### During Construction

1. The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. Since more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards

prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction:

The hours of construction activity not conducted entirely within an enclosed structure shall be limited to non-holiday weekdays between 7:00 a.m. and 7:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m. unless this restriction is modified on a case by case basis.

### **Conditions-Design Review**

#### **Prior to Issuance of the Master Use Permit**

2. The applicants shall work with the DPD planner to demonstrate that the shadows cast on the properties to the north across John Street by the proposed parapet and roof-top planters do not significantly impact the character or comfort of the neighboring site, and make such refinements to the design to mitigate impacts if necessary.
3. Remove the round-top balustrade windows from the third, fourth, fifth and sixth storeys of the tower element on both the Warren Avenue N. and John Street facades.
4. Re-align the round-top balustrade windows on the John Street façade between the tower element and the alley so that windows shall “book-end” that portion of the façade.
5. Work with the DPD planner to refine the design of the ground level covered amenity space between the Warren Avenue N. pedestrian entry and John Street, with particular care given to the selection of lighting, plantings, landscaping, furnishings and other elements so as to create an inviting space where residents of the proposed structure would choose to spend some time.

#### **Prior to Issuance of a Certificate of Occupancy**

6. The design, siting, and architectural details of the project shall remain substantially as presented at the Design Review recommendation meeting of March 3, 2010, except for those alterations made in response to the recommendations of the Board and incorporated into the plan sets to be re-submitted to DPD prior to issuance of the Master Use Permit. Compliance with the approved design features and elements, including exterior materials, architectural detail, facade colors, and landscaping, shall be verified by the DPD Planner assigned to this project. Inspection appointments with the Planner shall be made at least three (3) working days in advance of the inspection.

Signature: \_\_\_\_\_ (signature on file) Date: May 24, 2010  
Michael Dorcy, Senior Land Use Planner  
Department of Planning and Development  
Land Use Services

MD:lc

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